

CITY COUNCIL AGENDA

JUNE 13, 2017

SYNOPSIS

CHAPPIE JONES	DISTRICT 1		DEV DAVIS	DISTRICT 6
SERGIO JIMENEZ	DISTRICT 2		TAM NGUYEN	DISTRICT 7
RAUL PERALEZ	DISTRICT 3	SAM LICCARDO MAYOR	SYLVIA ARENAS	DISTRICT 8
LAN DIEP	DISTRICT 4		DONALD ROCHA	DISTRICT 9
MAGDALENA CARRASCO	DISTRICT 5		JOHNNY KHAMIS	DISTRICT 10
VICE MAYOR				



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- *Strategic Support* The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- *Community & Economic Development* Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- *Neighborhood Services* Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- *Transportation & Aviation Services* A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- *Environmental and Utility Services* Manage environmental services and utility systems to ensure a sustainable environment for the community.
- *Public Safety* Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard. This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may
 vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns
 on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red
 light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. On May 2, 2017, the City Council authorized combining two sections of the Council agenda, Section 10 – General Plan Amendments and Section 11 – Land Use, into a single section labeled Section 10 – Land Use. Section 10 – Land Use indicates whether an item will be heard at 1:30 p.m. or 6:00 p.m. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at http://www.sanjoseca.gov/index.aspx?NID=5322. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or City.Clerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

Call to Order and Roll Call

9:35 a.m. - Closed Session, Call to Order in Council Chambers

Absent Councilmembers: All Present.

1:34 p.m. - Regular Session, Council Chambers, City Hall Absent Councilmembers: All Present.

9:44 p.m. - Public Hearings, Council Chambers, City Hall Absent Councilmembers: All Present.

Invocation (District 6) Rabbi Levine from Congregation Am Echad provided the Invocation.

Pledge of Allegiance Mayor Sam Liccardo led the Pledge of Allegiance.

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• Orders of the Day — Heard after Ceremonial Items
The Orders of the Day and the Amended Agenda were approved, with Items 9.1 and
9.2 to be heard directly after Item 3.5.

Closed Session Report — None provided.

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to Rick Kos and Kevin Fang's Community Assessment classes. (Peralez)

Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to Rick Kos and Kevin Fang's Community Assessment classes for their dedication to engage the community in developing a collective vision for the future of the Northside Neighborhood.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes. None provided.

2.2 Final Adoption of Ordinances. None provided.

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Community and Economic Development Committee Minutes of May 22, 2017. (Khamis)
- (b) Rules and Open Government Committee Minutes of May 24, 2017. (Mayor) CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Clerk) **Approved.**
- 2.4 Mayor and Council Excused Absence Requests.

Recommendation: Retroactive request for an excused absence for Councilmember Tam Nguyen from the Closed Session and Regular Meeting of the City Council on June 6, 2017 due to illness. CEQA: Not a Project, File No. PP10-069(c), City Organizational and Administrative Activities, Absences. (Nguyen) **Approved.**

2.5 City Council Travel Reports. None provided.

- 2.6 Report from the Council Liaison to the Retirement Boards.
 None provided.
- 2.7 Amendment to the Vended Massage Chair Concession Agreement with Smarte Carte, Inc.

Recommendation: Approve a Vended Massage Chair Concession Agreement at the Airport between the City of San José (City) and Smarte Carte, Inc., for a term of five years beginning July 1, 2017, with a Minimum Annual Guarantee to the City in the amount of \$60,000. CEQA: Not a Project, PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Airport) **Approved.**

2.8 Amendment to Legal Services Agreement with Hawkins, Delafield & Wood LLP for Regional Wastewater Facility Capital Program.

Recommendation: Approve a Third Amendment to the Legal Services Agreement with Hawkins, Delafield & Wood LLP, to extend the term of the agreement through June 30, 2020, revise the scope of services, and increase the maximum amount of compensation from \$1,000,000 to \$2,500,000, subject to appropriation of funds by City Council, to support the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts, Services that involve no physical changes to the environment. (City Attorney) **Approved.**

2.9 Terms of an Agreement with the Association of Legal Professionals (ALP).

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Legal Professionals (ALP), and authorizing the City Manager to execute an agreement with a term of July 1, 2017 through June 30, 2018. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager)

Resolution No. 78196 adopted.

2.10 Amendment to the Agreement with Bartel Associates, LLC for Actuarial Consulting Services Related to Labor Matters.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Third Amendment to the Agreement with Bartel Associates, LLC, for actuarial consulting services in connection with labor matters related to various retirement benefits for both pension and retiree healthcare, extending the term to June 30, 2019, and increasing the amount of compensation by \$100,000 for a total compensation amount not to exceed \$535,000. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager)

Resolution No. 78197 adopted.

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2.11 Annual Renewal of Workforce Innovation and Opportunity Act Program and Projects for 2017-2018.

Recommendation: Adopt an annual renewal resolution authorizing the City Manager or his designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act (WIOA) Program and projects:

- (a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the WIOA (formerly Workforce Investment Act) Program, including, but not limited to novations or assignments, case management contracts, and consultant contracts, for the period July 1, 2017 to June 30, 2018 in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIOA grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (b) All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2017 to June 30, 2020 in accordance with Section 121 of the WIOA, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from work2future, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement.
- (c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (d) All grant applications, grants agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods not to extend beyond June 30, 2020, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (e) All Eligible Training Provider List (ETPL), Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2017 to June 30, 2019, subject to annual appropriation of funds by the work2future Board.

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2.11 Annual Renewal of Workforce Innovation and Opportunity Act Program and Projects for 2017-2018. (Cont'd.)

Recommendation:

- (f) All agreements specified in section (a) above with an end term beyond the fiscal year in which the contract begins (beyond June 30, 2018), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2019).
- (g) All agreements specified in section (a) above that do not involve a disbursement of funds (no-fund agreement) beyond the fiscal year in which the agreement begins (beyond June 30, 2018), but not beyond the end of the following fiscal year (not beyond June 30, 2019).

CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Economic Development)

Resolution No. 78198 adopted, including Mayor Sam Liccardo's memorandum dated June 12, 2017, to: Approve Staff recommendations on the annual resolution authorizing the negotiation and execution of the WIOA Program and projects, with the following changes:

- (1) Report to City Council with the status on the implementation of a client outcomes tracking tool, and on Employment Development Department (EDD) datasharing. Specifically, ensure explicit reporting to the City Council within FY17-18 of federally mandated outcomes data: (a) For adults: rates of Work2Future clients securing employment, remaining employed six months later, remaining employed one year later, and wage gain. (b) For youth: rates of occupational skills training, obtaining a high school diploma or GED, enhancing basic skills, securing employment, and advancing to postsecondary education. (c) For all clients: report outcomes data within each of the priority economic sectors to enable the Board and Council to assess whether investments are optimally targeted. (d) For all clients: benchmark outcomes and per-client costs with other Workforce Investment Boards, particularly those within the Bay-Peninsula Regional Planning Unit.
- (2) Identify and report to Council strategies to strengthen the composition of the Work2future board to enhance employer engagement and representation from IT and other priority sectors.
- (3) Identify and report to Council strategies to broaden the impact of San José Works by expanding the number of low-income youth participants who require relatively lower cost, "light-touch" support to obtain employment.

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2.12 Actions Related to the Purchase Orders for Fleet Management System.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase order(s) with AssetWorks for the purchase of fleet management equipment, related professional services, ongoing support and maintenance, GPS/Telematics technology, and subscriptions for data services for the Police Department in an amount not to exceed \$300,000; and
- (b) Execute additional purchase orders to expand the system on additional fleet vehicles and for ongoing support/maintenance, subscriptions, and professional services as may be required, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(e), Agreements and Contract, Services that involve no physical changes to the environment. (Finance) **Resolution No. 78199 adopted.**

2.13 Resolution to Redefine Square Footage for Secondary or Accessory Dwelling Units for Parkland Impact Fees.

Recommendation: Adopt a resolution to redefine the maximum square footage in Secondary or Accessory Dwelling Units to 800 square feet for purposes of the Parkland Impact fees to align with updates to the Zoning Code. CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involves no changes in the physical environment. (Parks, Recreation and Neighborhood Services) **Resolution No. 78200 adopted.**

2.14 Retroactive Approval of International Travel to Medellín, Colombia. DEFERRED

Recommendation: Retroactively approve international travel to Medellín, Colombia for Mario Maciel, Division Manager in the Department of Parks, Recreation and Neighborhood Services, to attend the Medellín Lab – Inclusive, Safe, and Resilient Cities from May 29 through June 2, 2017. Source of Funds: USAID. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities, Travel. (Parks, Recreation and Neighborhood Services)

Deferred to 6/20/17 per Administration.

2.15 Agreement with Los Lagos Golf Course, LLC for the Los Lagos Golf Course.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Continuation Agreement and any amendments or extensions with Los Lagos Golf Course, LLC to provide operations and maintenance services at Los Lagos Golf Course, effective retroactively from March 1, 2017 through June 30, 2018 and extended automatically thereafter month to month through the 20th of each month, subject to the appropriation of funds by City Council. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. Council District 7. (Parks, Recreation and Neighborhood Services)

Resolution No. 78201 adopted, with PRNS staff to return in November with the inclusion of prevailing wage data in their report.

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2.16 Actions Related to the Agreement with Mark Thomas & Company for the 8087 – Trail: Coyote Creek (Mabury Road to Empire Street) Project. *DROP*

Recommendation

- (a) Approve a Consultant Agreement with Mark Thomas & Company for engineering design and construction management services for the subject project from the date of execution to December 31, 2020, for maximum compensation of \$990,000.
- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:
 - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,510,000 for the TRAIL: Coyote Creek (Mabury Road to Empire Street) project; and
 - (2) Decrease the TRAIL: Coyote Creek (Mabury Road to Empire Street) Reserve by \$1,510,000.

CEQA: Initial Study/Mitigated Negative Declaration for the Coyote Creek Trail Master Plan (Montague Expressway to Watson Park), File No. PP09-218. Council Districts 3 & 4. (Public Works/Parks, Recreation and Neighborhood Services/City Manager) **Dropped per Administration.**

2.17 Report on Bids and Award of Contract for the 8314 – Sanitary Sewer Capacity Improvements 2016-2017 Project.

Recommendation: Report on bids and award of contract for the 8314 – Sanitary Sewer Capacity Improvements 2016-2017 Project to the low bidder, JMB Construction, Inc., in the amount of \$1,275,490 and approve a contingency in the amount of \$127,549. CEQA: Addendum to the General Plan Environmental Impact Report, File No. PP12-076. Council Districts 7 & 9. (Public Works) **Accepted.**

2.18 Actions Related to the Agreement with Law Enforcement Psychological Services, Inc.

Recommendation: Adopt a resolution authorizing the City Manager to execute:

- (a) An Agreement between the City of San José and Law Enforcement Psychological Services, Inc. for psychological services for the San José Police Department, in an amount not to exceed \$229,552 for the period of July 1, 2017 to June 30, 2018; and
- (b) Four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$1,147,760 subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts, Professional Services with no changes to the physical environment. (Police) **Resolution No. 78202 adopted.**

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2.19 District 1 Dumpster Day.

Recommendation: As recommended by the Rules and Open Government Committee on June 7, 2017:

- (a) Approve the Dumpster Day scheduled for Saturday, June 17, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jones) [Rules Committee referral 6/7/17 – Item G.1.a.] **Approved.**

2.20 District 1 Eats.

Recommendation: As recommended by the Rules and Open Government Committee on June 7, 2017:

- (a) Approve the District 1 Eats scheduled for Friday, June 30, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jones) [Rules Committee referral 6/7/17 – Item G.1.b.] **Approved.**

2.21 Disability Awareness Day.

Recommendation: As recommended by the Rules and Open Government Committee on June 7, 2017:

- (a) Approve the Disability Awareness Day scheduled for Thursday, October 5, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jones) [Rules Committee referral 6/7/17 – Item G.1.c.] **Approved.**

2.22 District 9 Dumpster Day.

Recommendation: As recommended by the Rules and Open Government Committee on June 7, 2017:

- (a) Retroactively approve the Dumpster Day scheduled for Saturday, June 10, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Rocha) [Rules Committee referral 6/7/17 – Item G.1.d.] **Approved.**

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- 3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). None provided.
- 3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update. **None provided.**

3.3 Mayor's 2017 June Budget Message.

Recommendation:

- (a) Review, discussion and approval of the Mayor's 2017 June Budget Message. **Approved.**
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Mayor)

Resolution No. 78203 adopted, including the memorandum from Mayor Sam Liccardo dated June 12, 2017, and Councilmember Donald Rocha's memorandum dated June 12, 2017.

3.4 Actions Related to the Sewer Service and Use Charges and Storm Sewer Service Charges Rates.

Recommendation:

(a) Adopt a resolution setting the following Sewer Service and Use Charge rates for 2017-2018:

Category	2017-2018 Monthly Rates
Single-Family Residential	\$37.91
Multi-Family Residential	\$25.40 per unit
Mobile Home	\$28.62 per unit
Non-Monitored Commercial and Industrial	See Attachment A
Monitored Industrial	See Attachment A

Resolution No. 78204 adopted.

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3.4 Actions Related to the Sewer Service and Use Charges and Storm Sewer Service Charges Rates (Cont'd.)

(b) Adopt a resolution setting the following Storm Sewer Service Charge rates for 2017-2018:

Category	<u>2017-2018 Monthly Rates</u>
Single-Family Residential and Duplex	\$7.87
Mobile Home	\$3.94 per unit
Residential Condominium	\$4.30 per unit
Large Multi-Family Residential (5 or more units)	\$4.30 per unit
Small Multi-Family Residential (3-4 units)	\$14.95
Commercial, Institutional and Industrial	See Attachment B

CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increases or Adjustments to Fees, Rates & Fares. (Environmental Services)

Resolution No. 78205 adopted.

3.5 Library Parcel Tax Rates for Fiscal Year 2017-2018.

Recommendation: Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2017-2018 by 3.00% over the fiscal year 2016-2017 rates and approving the placement of the Library Parcel Tax on the fiscal year 2017-2018 Santa Clara County Property Tax Roll. CEQA: Statutory Exemption, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance/Library)

Resolution No. 78206 adopted.

3.6 Approve the 2017-2018 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.

Recommendation:

(a) Adopt a resolution approving the Operating Budget for 2017-2018 for the City of San José, the Capital Budget for 2017-2018 for the City of San José, and the Five-Year Capital Improvement Program for 2018-2022 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

Resolution No. 78207 adopted. Resolution No. 78208 adopted. Resolution No. 78209 adopted.

(b) Adopt a resolution establishing the Schedule of Fees and Charges for 2017-2018. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities and Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment. (City Manager)

Resolution No. 78210 adopted.

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3.7 Statement of Policy and Questions for the Director of Aviation.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Aviation as described in the memorandum to Council, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Manager)

Adopted, with additional questions to be included regarding solutions for a continued integrative model for T&C's, taxis, parking and ridesharing; also balancing competing needs of the airport with downtown development, and the best approach to airport expansion.

3.8 Actions Related to the Request for Proposal for the Innovative LED Streetlight Replacement.

Recommendation:

- (a) Consider the results of the Innovative LED Streetlight Replacement Request for Proposal:
 - (1) Consider the appeal from Philips Lighting of North America.
 - (2) Reject all proposals submitted for the Innovative LED Streetlight Replacement Request for Proposal.

The appeal from Philips Lighting of North America was denied.

- (b) With respect to LED streetlight conversion: Direct the City Manager to return to Council following completion of the City's Broadband Strategy with requirements, financing strategies, and procurement recommendations for converting the approximately 40,000 remaining streetlights to LED luminaires.
- (c) With respect to LED streetlight controller units: Direct the City Manager to evaluate alternatives regarding the deployment of LED streetlight controller units citywide, which may include potential demonstration and testing of emerging technologies.
- (d) With respect to the Broadband Strategy: Direct the City Manager to include in the Broadband Strategy:
 - (1) Recommendations regarding technology, governance, process, and policy for the City's broadband digital infrastructure including fiber/coax, streetlight poles, and small cells, including an analysis of the costs and benefits of combining proactive streetlight pole make-ready activities with installation; and
 - (2) Requirements, policy considerations, and procurement recommendations for Internet of Things network, platform, and devices.

CEQA: Exempt, File No. PP11-002, Street Lighting Design Guidelines, CEQA Guidelines Section 15301, Existing Facilities. (City Manager) (Deferred from 1/24/17 - Item 3.4 and 6/6/17 – Item 3.6)

Accepted, with Siemens declared as the winning bid, and including items #3 and #4 from Mayor Sam Liccardo's memorandum dated June 12, 2017 as follows: (3) If an award is ultimately approved by the Council, discuss and consider imposing several

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3.8 Actions Related to the Request for Proposal for the Innovative LED Streetlight Replacement.

minimally acceptable terms in a pilot program that will further the City's interests in fiscal sustainability, system reliability, interoperability, and technological benefit to the public, as suggested by the Discussion, below. Council shall delegate authority to the City Manager such that: (a) City Manager shall have authority to enter a pilot for up to 1-year duration; but (b) Any commitment beyond that duration will require a vote of the Council in public session, and the City and prevailing vendor (Vendor) shall negotiate the terms of that commitment within 90 days.

- (c) If the prevailing bidder indicates a lack of willingness to submit to the minimally acceptable terms within 30 days the City Manager may terminate negotiations and follow the direction reflected in the Staff recommendations in the June 12, 2017 Supplemental Memorandum, including a revised RFP.
- (4) Proposals relating to the City's authorization of signage to generate revenues shall be referred to the sign code update process—including the pending consideration of a Downtown Sign District—for the Council to consider in context of a coherent approach to sign regulation that could include a future procurement process.

Including the already agreed upon process of working with labor development organizations and including that minimally accepted terms be accepted. (7-0-4. Noes: Diep, Jimenez, Khamis, Rocha.)

3.9 Amendments to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective June 18, 2017, to create the following classifications:
 - (1) Enterprise Information Technology Engineer I/II (8558/8559) with a salary range of \$89,107.20- \$108,388.80 (I) and \$94,411.20- \$115,003.20 (II) annually;
 - (2) Enterprise Supervising Technology Analyst (8560) with a salary range of \$103,833.60-\$126,505.60 annually;
 - (3) Enterprise Principal Technology Analyst (8561) with a salary range of \$114,275.20- \$139,152.00 annually;
 - (4) Assistant Independent Police Auditor U (8022) with a salary range of \$120,739.69- \$188,210.00 annually; and
 - (5) Records Specialist (1115) with a salary range of \$62,753.60 \$76,419.20 annually.
- (b) Amend the City of San José Pay Plan effective June 18, 2017, to change the salary range and retitle the following classifications:
 - (1) Geographic Information Systems Specialist I/II (1381/1383) (formerly Geographic Systems Specialist I/II) with a salary range of \$56,763.20-\$69,139.20 (I) and \$69,347.20-\$84,489.60 annually; and

3. STRATEGIC SUPPORT SERVICES

3.9 Amendments to the City Pay Plan for Various Classifications. (Cont'd.)

Recommendation:

- (b) Senior Geographic Information Systems Specialist (1385) (formerly Senior Geographic Systems Specialist) with a salary range of \$76,252.80-\$92,934.40.
- (c) Amend the City of San José Pay Plan effective June 18, 2017, to change the salary range for the following classifications:
 - (1) Enterprise Technology Manager (1373) with a salary range of \$119,620.80- \$146,411.20 annually;
 - (2) Budget Director U (1656) with a salary range of \$148,677.23-\$232,379.00 annually;
 - (3) City Librarian U (6245) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (4) Director Aviation U (3546) with a salary range of \$148,677.23-\$232,379.00 annually;
 - (5) Director City Manager's Office U (1701) with a salary range of \$148,677.23-\$232,379.00 annually;
 - (6) Director Economic Development U (1999) with a salary range of \$148,677.23-\$232,379.00 annually;
 - (7) Director Employee Relations U (1430) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (8) Director Environmental Services U (1696) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (9) Director Finance U (1258) with a salary range of \$148,677.23-\$232,379.00 annually;
 - (10) Director Housing U (3989) with a salary range of \$148,677.23-\$232,379.00 annually;
 - (11) Director Human Resources U (1429) with a salary range of \$148,677.23-\$232,379.00 annually;
 - (12) Director Information Technology U (1375) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (13) Director of Transportation U (3199) with a salary range of \$148,677.23-\$232,379.00 annually;
 - (14) Director Parks, Recreation, and Neighborhood Services U (3996) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (15) Director Planning, Building, and Code Enforcement U (4154) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (16) Director Public Works U (3867) with a salary range of \$148,677.23-\$232,379.00 annually;
 - (17) Director of Communication U (1671) with a salary range of \$135,404.46-\$211,325.00 annually;

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3. STRATEGIC SUPPORT SERVICES

3.9 Amendments to the City Pay Plan for Various Classifications. (Cont'd.)

Recommendation:

- (18) Assistant Director U (8048) with a salary range of \$129,969.69-\$202,591.00 annually;
- (19) Assistant Director of Economic Development U (1998) with a salary range of \$129,969.69-\$202,591.00 annually;
- (20) Deputy Director U (1640) with a salary range of \$113,488.73-\$176,781.00 annually;
- (21) Division Manager (8074) with a salary range of \$100,215.02- \$153,065.00 annually;
- (22) Chief of Police U (2227) with a salary range of \$168,815.16- \$263,860.00 annually;
- (23) Assistant Police Chief U (2225) with a salary range of \$148,418.99-\$231,351.00 annually;
- (24) Fire Chief U (2334) with a salary range of \$148,677.23 \$232,379.00 annually;
- (25) Assistant Fire Chief U (2333) with a salary range of \$129,962.00-\$202,591.00 annually;
- (26) Assistant City Attorney U (2154) with a salary range of \$186,946.49-\$265,225.00 annually;
- (27) Chief Trial Attorney U (2155) with a salary range of \$186,946.49-\$265,225.00 annually;
- (28) Chief Deputy City Attorney U (2138) with a salary range of \$153,435.85-\$232,379.00 annually; and
- (29) Assistant City Clerk U (1613) with a salary range of \$101,976.74-\$141,157.00 annually.
- (d) Amend the City of San José Pay Plan effective June 18, 2017, to change the title of the following classification:
 - (1) Digital Media Technician (3731) (formerly Darkroom Technician).
- (e) Amend the City of San José Pay Plan effective June 18, 2017, to delete the following classifications:
 - (1) Assistant to the City Manager-IR (1664); and
 - (2) Capital Projects Program Coordinator (3433).
- (f) Approve a 4.0% ongoing non-pensionable retention premium pay for the Assistant Police Chief U (2225), effective June 18, 2017.

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code, Title 3. (Human Resources) (Deferred from 6/6/17 – Item 3.7)

Resolution No. 78211 adopted.

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3. STRATEGIC SUPPORT SERVICES

3.10 AB 1408 (Calderon).

Recommendation: As recommended by the Rules and Open Government Committee on June 7, 2017, join the League of California Cities, Crime Victims United of California, and numerous law enforcement agencies and professional organizations in taking a position of support for AB 1408 (Calderon). CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (Khamis)

[Rules Committee referral 6/7/17 – Item G.3.]

Deferred to 6/20/17 per Council action.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Team San José Performance Measures Revisions. *DROP*

Recommendation: As recommended by the Community and Economic Development Committee on April 24, 2017, accept report and adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Team San José contract to revise its performance measures, enhance its reporting requirements, and revise the incentive fee contract model to a management fee model in accordance with the recommendations outlined in the memorandum to Council. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports; and File No. PP10-066, Agreements & Contracts. (Economic Development)

[Community and Economic Development Committee referral 4/24/17 – Item (d)(3)] (Deferred from 5/16/17 – Item 4.3)

Dropped per Administration.

4.2 Actions Related to Satellite Affordable Housing Associates for the Future Development of 226 Balbach Avenue.

Recommendation: Adopt a resolution authorizing the Director of Housing to:

- (a) Negotiate and execute an Exclusive Negotiation Agreement between the City and Satellite Affordable Housing Associates ("SAHA") for potential development of the City-owned property located at 226 Balbach Avenue for a future affordable housing development; and
- (b) Negotiate and execute documents for a predevelopment loan between the City and SAHA in an amount not to exceed \$200,000.

CEQA: Determination of Consistency with Downtown Strategy 2000 EIR, Resolution No. 72767. Council District 3. (Housing)

Resolution No. 78212 adopted.

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4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Actions Related to the Agreement with Eden Housing, Inc. for Affordable Housing Development.

Recommendation: Adopt a resolution authorizing the Director of Housing to:

- (a) Negotiate and execute an Exclusive Negotiation Agreement between the City and Eden Housing, Inc. ("Eden"), for potential development of the City-owned property located at 5647 Gallup Drive and 1171 Mesa Drive with an affordable housing development; and
- (b) Negotiate and execute documents for a predevelopment loan to Eden in an amount not to exceed \$200,000.

CEQA: Exempt, File No. PP16-007, CEQA Guidelines Section 15332, In-Fill Development Projects. Council District 10. (Housing) **Resolution No. 78213 adopted.**

4.4 Public Hearing on the Temporary Closure of a Sidewalk Easement at 1561 and 1564 Rosecrest Terrace near Dana Avenue.

Recommendation: Conduct a Public Hearing and adopt a resolution:

- (a) Directing the Director of Public Works to temporarily close a sidewalk easement at 1561 and 1564 Rosecrest Terrace to all bicycle and pedestrian traffic by locking an existing fence and gate across the sidewalk for a period of no more than six months; and
- (b) Directing the Director of Public Works to restore public access to the Easement by removing the gate after the expiration of the six-month period, unless the Council has vacated the Easement prior to the end of the temporary closure.

CEQA: Exempt, File No. PP16-126, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 6. (Public Works)

Public hearing held. Resolution No. 78214 adopted.

(9-0-2. Noes: Arenas, Jimenez.)

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Guadalupe River Trail Master Plan. DEFERRED

- (a) Adopt a resolution approving the Mitigated Negative Declaration for the Guadalupe River Trail Master Plan for which an Initial Study was prepared in accordance with the California Environmental Quality Act, as amended, and adopt a related Mitigation and Monitoring and Reporting Program; and
- (b) Approve the Guadalupe River Trail Master Plan to guide future development from Virginia Street to Chynoweth Avenue.

CEQA: Mitigated Negative Declaration for the Guadalupe River Trail Master Plan, File No. PP17-027. Council Districts 3, 6 & 9. (Parks, Recreation and Neighborhoods Services)

Deferred to 6/20/17 per Administration.

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6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Approval of the July 1, 2017 – June 30, 2018 Administrative Budget and Annual Recognized Obligation Payment Schedule 17-18.

Recommendation: Successor Agency Board adopt resolutions approving:

- (a) The Administrative Budget for July 1, 2017 through June 30, 2018; and **Successor Agency Resolution No. 7063 adopted.**
- (b) The Recognized Obligation Payment Schedule 17-18 and authorizing payment of expenditures for items on ROPS 17-18, which details the obligations of the Successor Agency for the period of July 1, 2017 through June 30, 2018.
 CEQA: Not a Project, File No. PP10-066(e), Agreements and Contract, Services that involve no physical changes to the environment. (Successor Agency)
 Successor Agency Resolution No. 7064 adopted.

Heard after Item 3.5.

9.2 Actions Related to the North San Pedro Housing Project.

Recommendation:

- (a) City Council adopt a resolution:
 - (1) Authorizing the City Manager or his designee to transfer City owned property located on Bassett Street (Assessor Parcel Number 259-51-008) from the City of San José to the Successor Agency to the Redevelopment Agency of the City of San José, as part of parcel consolidation for the 135-unit Stand Alone Affordable Housing Project ("Affordable Project") that the Successor Agency will, in turn, transfer the consolidated parcel to First Community Housing to develop the Affordable Project;
 - (2) Authorizing the City Manager or his designee to accept certain properties for public use and to transfer certain other properties, all as part of the North San Pedro Housing Project and Infill and Infrastructure Housing Project; and

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9. REDEVELOPMENT – SUCCESSOR AGENCY

9.2 Actions Related to the North San Pedro Housing Project (Cont'd.)

Recommendation:

(3) Allowing an exception to the City's Policy for the Issuance of Multifamily Housing Revenue Bonds ("Bonds Policy") to permit the California Housing Finance Agency ("CalHFA") to issue private-activity bonds for the Affordable Project.

Resolution No. 78215 adopted.

- (b) Successor Agency Board adopt a resolution:
 - (1) Approving a Third Amendment to the Amended and Restated Off-Site Improvement and Disbursement Agreement ("Improvement Agreement") among the Successor Agency, North San Pedro Townhomes LLC, San Pedro Life 1 LLC, and First Community Housing ("FCH"), the Affordable Housing Developer for the Project, to amend the Improvement Agreement to add FCH's right to use up to \$1,058,467 of State Prop 1C Infill and Infrastructure Grant Funds towards construction of the North San Pedro Affordable Housing Project;
 - (2) Providing the Executive Officer or Managing Director the authority to execute other documents as may be necessary to effectuate and finalize the Successor Agency obligations related to the North San Pedro Affordable Housing Project; and
 - (3) Authorizing the Successor Agency to pursue a Quiet Title action to obtain fee title to certain real property located at the terminus of Terraine Street north of Bassett Street in conjunction with the vacation of a public right-of-way by the City.

CEQA: Determination of Consistency to the Brandenburg Mixed-Use Project/North San Pedro Housing Sites Final Environmental Impact Report and Addenda thereto, File Nos. CP11-034, H12-020, and PP16-056. (Successor Agency)

Successor Agency Resolution No. 7065 adopted.

10. LAND USE

10.1 Public Hearings on Consent Calendar.

(a) Continue General Plan Hearing from May 16, 2017.

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10.1 Public Hearings on Consent Calendar (Cont'd.)

(b) General Plan Text Amendment: Urban Village Commercial.

Recommendation: Approval of a Director Initiated General Plan Text Amendment to add a new land use designation entitled "Urban Village Commercial" located within Urban Villages. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution 77617). Planning Commission recommends approval (5-0-2, Abelite and Pham absent).

GPT17-001 – Citywide

Resolution No. 78216 adopted.

(c) Conventional Rezoning for the Real Property Located at North of Lorraine Avenue and East of Bird Avenue.

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.21 gross acre site, located at the north side of Lorraine Avenue, approximately 50 feet easterly of Bird Avenue from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District (Carl J. and Yun Cai Sugg, Owners). CEQA: Determination of Consistency with the Final Program EIR for the Diridon Station Area Plan (Resolution No. 77096), the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution 77617). Planning Commission recommends approval (5-0-2, Abelite and Pham absent).

C17-007 – Council District 3

Ordinance No. 29951 passed for publication.

(d) Conforming Rezoning for the Real Property Located at 2281 Plummer Avenue.

Recommendation: Consideration of an ordinance of the City of San José rezoning an 8.79 gross acre site (Presentation High School), located on the East side of Booksin Avenue, approximately 550 feet southerly of Curtner Avenue (2281 Plummer Avenue) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District (Presentation High School SJ, Owner). CEQA: Determination of Consistency with Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). Planning Commission recommends approval (5-0-2, Abelite and Pham absent). **C17-016** – Council District 6

Deferred to 6/27/17 per Applicant.

- 10.1 Public Hearings on Consent Calendar. (Cont'd.)
 - (e) Continue General Plan Hearing to June 27, 2017.

END OF CONSENT CALENDAR

10.2 Planned Development Zoning, Planned Development Permit, and Vesting Tentative Map for Real Property Located at 350 South Winchester Boulevard.

Recommendation:

(a) Adopt a resolution certifying the 350 S. Winchester Mixed-Use Project (Volar) Environmental Impact Report, making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting a statement of overriding consideration for construction noise and adopting a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act of 1970, as amended.

Resolution No. 78221 adopted, including the joint memorandum from Councilmember Dev Davis and Councilmember Chappie Jones, dated June 9, 2017, to support the Planning staff recommendations as outlined in their June 5, 2017 memo to Council to certify the final EIR and approve the rezoning, the PD permit, and the tentative map with the following modifications: (1) Developer has agreed to also fund, design, and build a wayfinding art project at the ground level, directing people to the publicly accessible open space on the rooftop as an additional community benefit. (2) Add the following requirements to the Transportation Demand Management program already required as a condition of approval:

- a. Free "Last Mile" Shuttles to local train systems
- b. Carpool Matching Program utilizing zip code matching
- c. Centrally-Located Kiosks with transit schedules, bike and transit maps, and other commute alternative information
- d. Secured Bicycle Lockers or Storage
- e. Onsite amenities which allow employees to complete errands without a car (e.g., bicycle repair, dry cleaning, etc.)

Also including a commitment by the developer to pay fees imposed as the result of the creation of an urban village financing plan for this urban village. Noes: Carrasco, Liccardo.

(b) Consideration of an ordinance of the City of San José rezoning real property located on a 0.89 gross acre site, located at 350 South Winchester Boulevard from the CG Commercial General Zoning District to the CG(PD) Planned Development Zoning District (Winchester Plaza on the Row, LLC, Owner).

Ordinance No. 29952 passed for publication.

Noes: Carrasco, Liccardo.

10.2 Planned Development Zoning, Planned Development Permit, and Vesting Tentative Map for Real Property Located at 350 South Winchester Boulevard. (Cont'd.)

Recommendation:

(c) Adopt a resolution approving a Vesting Tentative Map, subject to conditions, to subdivide one parcel into 307 residential units and 10 commercial condominium units approximately 52,167 square feet of commercial and office uses, and four levels of below grade parking.

Resolution No. 78217 adopted.

Noes: Carrasco, Liccardo.

(d) Adopt a resolution approving a Planned Development Permit, subject to conditions, to demolish an existing building and remove four ordinance-sized trees for the construction of an 18-story (maximum 185 feet tall with 15 feet of architectural projections) mixed-use building. Planning Commission recommends approval (7-0-0).

CEQA: 350 S. Winchester Mixed-Use ("Volar") Project Environmental Impact Report.

<u>PDC15-065, PD15-059 and PT15-069</u> – Council District 6

Resolution No. 78218 adopted.

Noes: Carrasco, Liccardo.

10.3 Planned Development Rezoning and Planned Development Permit for Real Property Located at 1402 Monterey Highway.

Recommendation:

(a) Adopt a resolution certifying the Addendum to the Downtown College Preparatory Relocation Project Mitigated Negative Declaration, making certain findings and adopting a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act of 1970, as amended.

Resolution No. 78219 adopted.

(b) Consideration of an ordinance of the City of San José rezoning real property on a 3.4 gross acre site, located on the south east corner of Monterey Highway and East Alma Avenue (1402 Monterey Highway) from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District (San José Unified School District, Owner).

Ordinance No. 29953 passed for publication.

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10.3 Planned Development Rezoning and Planned Development Permit for Real Property Located at 1402 Monterey Highway (Cont'd.)

Recommendation:

(c) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow an increase in student population at Downtown College Preparatory, to create a custom parking requirement for the existing school, to allow a redesign of a previously approved parking lot, to alter the existing driveway locations, and to create outdoor recreation space, and to allow an after school evening academic program until 8:00 p.m. for high school students. Planning Commission recommends approval (6-0-1, Allen abstained).

CEQA: Addendum to the Final Initial Study/Mitigated Negative Declaration for the Downtown College Preparatory Relocation Project.

PDC16-050 and PD16-035 – Council District 7

Resolution No. 78220 adopted.

10.4 Planned Development Rezoning and Planned Development Permit for Real Property Located at 5550 Cottle Road.

Recommendation:

- (a) Consideration of an ordinance of the City of San José rezoning real property on a 2.4 gross acre site, located at the northeast corner of Cottle Road and Poughkeepsie Road (5550 Cottle Road) from A(PD) to A(PD) on approximately 17.1 gross acre site (Lowes Hiw Inc, Owner).
- (b) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow a 3867 square foot fast food restaurant with drive through use in the Lowe's Shopping Center. Planning Commission approved deferral (5-0-2, Bit-Badal and Pham absent).

CEQA: Initial Study/Addendum to the San José Lowe's Final Environmental Impact Report (Resolution No. 73814) and Addenda thereto.

PDC17-003 & PD17-001 – Council District 2

Deferred to 6/27/17 per Administration.

Open Forum

Blair Beekman spoke on civil protection issues, transparency and his disappointment over the Council's decision regarding development of 350 S. Winchester Boulevard.

Adjournment

The Council of the City of San José was adjourned at 11:00 p.m.

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• Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

		Council		Lots/		Proposed
Tract	Location	District	<u>Developer</u>	<u>Units</u>	<u>Type</u>	Decision
10354	580 S. 1st Street	3	The Core Companies,	1 Lot/	MFA	Approval
			LLC	105 Units		

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

		Council			
Tract	<u>Location</u>	District	<u>Developer</u>	Lots/Units	<u>Type</u>
10424	190 W. Julian Street	3	Trumark Construction	6/21	MFA
			Services		

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